

Case No. 07 CV 6211 (Scheidlin)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alan Newton,

Plaintiff,

v.

The City of New York, *et al.*,

Defendants.

**SUMMONS WITH PROOF
OF SERVICE ON
DEFENDANT TRABITZ**

LAW OFFICE OF JOHN F. SCHUTTY P.C.

Attorney for Plaintiff

*445 Park Avenue, 9th Floor
Borough of Manhattan
New York, New York 10022
(212) 836-4796*

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

ALAN NEWTON,

SUMMONS IN A CIVIL CASE

V.

THE CITY OF NEW YORK, et al.
(See Attached Rider "A" for list of other
Defendants)

CASE NUMBER:

07 CV 6211

JUDGE SCHEINDLIN

TO: (Name and address of defendant)

The City of New York
c/o Comptroller of the City of New York
1 Centre Street
New York, NY 10007 (See Attached Rider "B" for list of other Defendants)

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John F. Schutty, Esq.
Law Office of John F. Schutty, P.C.
445 Park Avenue, 9th Floor
New York, NY 10022

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUL 03 2007

CLERK

DATE

(BY) DEPUTY CLERK

ALAN NEWTON

Plaintiff(s)

- against -

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THE CITY OF NEW YORK, ETAL.

Purchased July 3, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDERSON CHAN BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 10, 2007 at 02:30 PM at

NYCPD PROPERTY CLERK DIVISION
ONE POLICE PLAZA
ROOM 208
NEW YORK, NY 10038

deponent served the within SUMMONS AND COMPLAINT on INSPECTOR JACK J. TRABITZ therein named,

**SUITABLE
AGE**

by delivering thereat a true copy of each to MS. KIRKSEY a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. She identified herself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>FEMALE</u>	<u>BROWN</u>	<u>BLACK</u>	<u>30</u>	<u>5'6</u>	<u>200</u>

MAILING

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

NYCPD PROPERTY CLERK DIVISION
ONE POLICE PLAZA
ROOM 208
NEW YORK, NY 10038

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on July 11, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY
SERVICE**

Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 11, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010


ANDERSON CHAN
License #: 1220482
Invoice #: 443785